



DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF INSPECTOR GENERAL

WASHINGTON, DC 20201



FOIA Requests 2019-1135

Freedom of Information Act Office
Cohen Bldg., Suite 5541
330 Independence Ave., SW
Washington DC 20201

July 11, 2019

Andrew Free
411A Highland Ave
Somerville, MA 02144-2516

Dear Mr. Free:

This is in response to the July 10, 2019, Freedom of Information Act (FOIA) request you submitted to the Department of Health and Human Services (DHHS), Office of Inspector General (OIG), requesting a copy of all complaints, whether substantiated or unsubstantiated, received or created by the Health and Human Services, Office of Inspector General, on or after January 1, 2017.

I can neither confirm nor deny the existence of any records relative to your request as it pertains to any complaints. If they exist, records of this nature would be exempt from disclosure under FOIA exemptions (b)(3), (b)(6), (b)(7)(C) and (b)(7)(A). These exemptions exempt from mandatory disclosure records compiled for law enforcement proceedings if disclosure could reasonably be expected to interfere with enforcement proceedings; or when lacking the subject's consent or an overriding public interest. To even officially acknowledge the existence of investigatory records of the type that pertain to an individual could reasonably be expected to constitute a (clearly) unwarranted invasion of personal privacy. If they do exist, even the very fact of their existence would be exempt from disclosure under the cited exemptions. Please understand we have not conducted a search for complaints relative to Rembert Reynolds.

Exemption (b)(3) permits the withholding of records when release is exempted by another statute, in this instance, The IG Act.

Exemption (b)(6) permits the withholding of information that if released, would constitute a clearly unwarranted invasion of personal privacy.

Exemption (b)(7)(A) permits the withholding of investigatory records compiled for law enforcement purposes when disclosure could reasonably be expected to interfere with enforcement proceedings.

Exemption (b)(7)(C) permits the withholding of investigatory records compiled for law enforcement purposes when disclosure could reasonably be expected to constitute an unwarranted invasion of personal privacy.

There is no charge for FOIA services in this instance because billable fees are under the Department's \$25 cost effective threshold.

You may appeal my decision that I can neither confirm nor deny the existence of the record(s) responsive to your request for complaints. Your appeal must be postmarked or electronically transmitted within 90 days from the date of this letter, to Deputy Agency Chief, FOIA Officer, U.S. Department of Health and Human Services, Assistant Secretary for Public Affairs, FOI/Privacy Act Division, Suite 729H, 200 Independence Avenue, SW, Washington, DC 20201. Clearly mark both the envelope and your letter "Freedom of Information Act Appeal" or you may email them at FOIAREQUEST@hhs.gov.

In addition, you may contact our FOIA Requester Service Center at 202.619.2541 or FOIA@oig.hhs.gov, for any further assistance or to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

Sincerely,



Robin R. Brooks

Director

Freedom of Information